

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK**

KATHLEEN CURNS et al.,

Plaintiffs,

v.

WAL-MART STORES, INC.,

Defendant.

No. 06-CV-1336
(DNH/DRH)

**DAVID R. HOMER
U.S. MAGISTRATE JUDGE**

ORDER

By letter dated January 25, 2008, plaintiffs requested a conference concerning the location of the depositions of seven employees of defendant which plaintiffs had scheduled. Docket No. 25. Those employees are presently located in Arkansas, Florida, Maryland, New Hampshire, Rochester (New York) (two employees), and Buffalo. Plaintiffs requested an order directing defendant to produce those employees in New York City for the depositions at defendant's expense. Id. By letter dated January 29, 2008, defendant responded in opposition. Docket No. 26. A conference was held by telephone and on-the-record with counsel for all parties on January 30, 2008. During the conference, the parties jointly requested an extension of forty-five days to the deadlines remaining for completion of the case.

For the reasons stated during the telephone conference, which are incorporated herein by reference, it is hereby

ORDERED that:

1. The depositions of defendant's employees located near Rochester, New York (two employees) and Buffalo shall take place in or reasonably near Rochester at a


date, time, and place to be arranged among the parties;

2. The depositions of the remaining four employees shall be conducted at or reasonably near their present residences at dates times, and places to be arranged among the parties **OR**, at the option of plaintiffs, the depositions of any or all such employees may take place at a location in New York City to be selected by plaintiffs at dates and times to be arranged among the parties with plaintiffs to bear the reasonable expenses incurred by the employees in traveling to and from the depositions;¹ and

3. The parties' request for an order extending by forty-five days the deadlines remaining for completion of the case is **DENIED**.

IT IS SO ORDERED.

DATED: January 30, 2008
Albany, New York


United States Magistrate Judge

¹"Reasonable costs" include, but are not limited to, those incurred for transportation to and from the depositions, meals, overnight accommodation, and the like. Reimbursement of those expenses shall be made to defendant within thirty days of receipt by plaintiffs of an invoice itemizing the costs incurred. If plaintiffs dispute the reasonableness of any cost listed in an invoice, objection to that cost must be made to defendant in writing within ten days of receipt of the invoice or objection will be deemed waived. If reimbursement is not made within thirty days of receipt of an invoice or, if objection is made, within thirty days of resolution of such objection, defendant may have judgment against plaintiffs and against plaintiffs' counsel, jointly and severally, in any amount which remains unpaid.